

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 44, 47, 53, 55, and 61. Applicant respectfully submits no new matter has been added. Accordingly, claims 44-67 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 44-49, 53-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ameigeiras, *et al.* (US 2004/0052234) in view of Rautiola, *et al.* (US 6,853,851) and further in view of Aweya (US 7,047,312). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claims 44, 47, 53, 55, and 61 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP 2143).** In that regard, the Applicant respectfully submits that the Examiner's two references still fail to teach or suggest each and every element of the presently pending independent claims.

Claim 44 recites:

44. A method of load control between a transport protocol sender and transport protocol receiver in a radio communications system, the method comprising the step of:

transferring to said transport protocol receiver one or more signals carrying radio resource data from a radio resource management entity located in a radio network control node intermediate to said transport protocol sender and said transport protocol receiver, said transport protocol receiver **using said radio resource data received from the radio resource management entity to dynamically adapt transport protocol**

load to link state information between the transport protocol sender and the transport protocol receiver. (emphasis added)

The present invention is directed to load control and radio resource management between a transport protocol sender and transport protocol receiver. A radio network control node, having a radio resource management entity, is located intermediate to the transport protocol sender and transport protocol receiver. As claim 44 recites, radio resource data is transferred from the radio resource management entity located in the radio network control node to the transport protocol receiver. The radio resource data is then used to dynamically adapt transport protocol load to link state information (see page 11, line 5 to page 12, line 19).

Ameigeiras does not teach or suggest these functions. The Examiner stated that Ameigeiras teaches that the transport protocol receiver uses data to dynamically adapt transport protocol load. The Applicant respectfully disagrees with this characterization. The Examiner cites paragraph 15 for disclosing this function. However, a careful review of this passage as well as the entire specification of Ameigeiras does not teach or suggest dynamically adapting transport protocol. Ameigeiras merely discloses the retransmission of TCP segments. Furthermore, Ameigeiras does not teach or suggest sending radio resource data from the radio resource management entity to the receiver.

The Examiner cites Rautiola for disclosing a radio resource management transmitting radio resource data between a mobile unit and the user terminal. However, the Applicant's invention recites transmitting the radio resource data from the resource management entity located in the radio network control node. In contrast, Rautiola discloses a radio resource management located in the mobile unit.

The Examiner cites Aweya for teaching dynamically adapting the transport protocol load to link state information between the transport protocol sender and the transport protocol receiver. However, Aweya also does not disclose using radio resource data received from the resource management entity to dynamically adapt the transport protocol load. Aweya merely discloses adapting the transport protocol load in response to a received incoming ACK packet. The ACK packet used for adapting the

transport protocol load is not the radio resource data received from the resource management entity located in the radio network control node.

When link limitations affecting a TCP sender window resides on the sender side, prior art solutions incorporate this information for sender window adjustments at a considerable delay since the information is fed back to the TCP receiver side in acknowledgements or detected lack of acknowledgments. The present invention significantly reduces this delay by using information available at the radio resource management entity. None of the cited references sends radio resource data from the radio resource management entity located in the radio network control node, which is received by the receiver and utilized to dynamically adapt transport protocol load to link state information between the transport protocol sender and the transport protocol receiver (see page 10, lines 7-17 of the Applicant's specification).

Therefore, the Applicant respectfully submits that using the radio resource data received from the radio resource management entity to dynamically adapt the transport protocol load to state link information is simply not taught or suggested by Ameigeiras, Rautiola, or Aweya, in combination or separately, as recited in claim 44. Claims 47, 53, 55, and 61 recite limitations analogous to claim 44 and also are not taught or suggested in Ameigeiras, Rautiola, or Aweya. Claims 45 and 46 depend from amended claim 44 and recite further limitations in combination with the novel elements of claim 44. Claims 48 and 49 depend from amended claim 47 and recite further limitations in combination with the novel elements of claim 47. Claim 54 depends from amended claim 53 and recites further limitations in combination with the novel elements of claim 53. Claims 56-60 depend from amended claim 55 and recite further limitations in combination with the novel elements of claim 55. Claims 62-67 depend from amended claim 61 and recite further limitations in combination with the novel elements of claim 61. Therefore, the allowance of claims 44-49 and 53-67 is respectfully requested.

Claims 50-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ameigeiras, *et al.* (US 2004/0052234) in view of Rautiola, *et al.* (US 6,853,851), in view of Aweya (US 7,047,312) and further in view of Cuny (US 2003/0179720). The

Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claim 47 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

As stated above, the Applicant respectfully submits that using the radio resource data received from the radio resource management entity to dynamically adapt the transport protocol load to state link information is simply not taught or suggest by Ameigeiras, Rautiola or Aweya. The addition of Cuny does not make up the missing elements. Claims 50-52 depend from amended claim 47 and recite further limitations in combination with the novel elements of claim 47. Therefore, the allowance of claims 50-52 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/Roger S. Burleigh, Reg#40542/

Roger S. Burleigh
Registration No. 40,542

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-5799
roger.burleigh@ericsson.com